

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GARY S. ROUBIN, GEOFFREY HAMILTON WHITE,
SRIRAM S. IYER, RUSSELL J. REDMOND, and CLAUDE A. VIDAL
Junior Party
(Patent Nos. 5,827,321, 6,475,236 and 6,106,548)¹

v.

PAUL H. BURMEISTER, CHARLES L. EUTENEUER,
BRIAN J. BROWN, PAUL J. FORDENBACHER, and
ANTHONY C. VRBA
Senior Party
(Application 09/427,291)²

Patent Interference No. 105,794
(Technology Center 3700)

Before: JAMESON LEE, SALLY GARDNER LANE and SALLY C. MEDLEY,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Judgment – Merits – Bd. R. 127

1

¹ The real party in interest is Endosystems, LLC.

² The real party in interest is Boston Scientific Scimed, Inc.

Interference No. 105,794
Roubin v. Burmeister

1 Junior party Roubin has not filed a preliminary statement. Junior party
2 Roubin has not attacked the accorded benefit dates of Senior Party Burmeister.
3 Junior party has indicated that it will not be filing a priority motion. Junior party
4 Roubin recognizes that it has in essence conceded priority. (Paper 26).

5 In a separate concurrent paper, we have denied junior party Roubin's Motion
6 1 to designate certain claims as not corresponding to the count. No other motion is
7 pending before the Board. Time is now appropriate to enter judgment against the
8 junior party. It is

9 **ORDERED** that judgment as to the subject matter of Count 1 is herein
10 entered against junior party GARY S. ROUBIN, GEOFFREY HAMILTON
11 WHITE, SRIRAM S. IYER, RUSSEL J. REDMOND, and CLAUDE A. VIDAL;

12 **FURTHER ORDERED** that junior party GARY S. ROUBIN, GEOFFREY
13 HAMILTON WHITE, SRIRAM S. IYER, RUSSEL J. REDMOND, and CLAUDE
14 A. VIDAL is not entitled to claims 1-54 of Patent 5,827,321, claims 1-25 of Patent
15 6,475,236, and claims 1-12 of Patent 6,106,548, which correspond to Count 1;

16 **FURTHER ORDERED** that claims 1-54 of Patent 5,827,321, claims 1-25
17 of Patent 6,475,236, and claims 1-12 of Patent 6,106,548 are herein cancelled;

18 **FURTHER ORDERED** that if there is a settlement agreement, the parties
19 should note the requirements of 35 U.S.C. § 135(c) and 37 CFR § 1.666; and

20 **FURTHER ORDERED** that a copy of this judgment be filed in the
21 respective involved application or patents of the parties.

Interference No. 105,794
Roubin v. Burmeister

By Electronic Transmission:

Counsel for junior party Roubin:

John T. Callahan
Keiko K. Takagi
SUGHRUE MION, PLLC
jcallahan@sughrue.com
ktakagi@sughrue.com

Counsel for senior party Burmeister:

William F. Lawrence
Stephen J. Lieb
Frommer Lawrence & Haug, LLP
wlawrence@flhlaw.com
slieb@flhlaw.com